NARRATIVE SUPPLEMENT

VICTIM	OFFENSE	INCIDENT NUMBER
CITY OF SOLON,	OVI	13-02701
		INCIDENT DATE / TIME 9/29/2013 0242

Narrative Type: Facts Of Arrest **Topic:**

Narrative Reporting Officer: MCELROY, SCOTT 92

On 9-29-2013 at 0240 hours, I was on routine patrol in marked unit 6822 in the area of US 422 and Harper Road.

I observed a black Cadillac, Ohio Registration FGR5862, traveling eastbound on US 422 at a high rate of speed. The vehicle was in a construction zone with workers present and the speed limit was set to 50mph. I activated the TruSpeed laser and observed a steady speed of 74 mph. I activated my overhead lights and stopped the vehicle on US 422 near milepost 18/6.

I approached the driver and advised him of the reason that I was stopping him. I asked the driver for his license and he handed me two credit cards. I asked him if he had his driver's license and he pointed to the credit cards as if he had already given me his license. The name on the card was Bernard Kosar. Mr. Kosar had slurred speech, difficulty speaking and a strong odor of alcoholic beverages coming from him. I asked Mr. Kosar if he had anything to drink tonight and stated that he was helping a friend out tonight. I asked Mr. Kosar if he could recite the alphabet starting at E and ending at W. Mr. Kosar started E, F, G, P, L, M, N, O, Q and from there it trailed on with more letters that were not correct and ended at X.

I asked Mr. Kosar to exit the vehicle in order to perform some field sobriety tests. Mr. Kosar complied.

The first test I had Mr. Kosar perform was the Horizontal Gaze and Nystagmus. I observed a lack of smooth pursuit, distinct nystagmus at maximum deviation, and an onset of nystagmus before 45 degrees in both eyes. While speaking with Mr. Kosar, I continued to smell the strong odor of alcoholic beverages coming from him.

I asked Mr. Kosar if he had any problems that would prevent him from performing the one leg stand or walk and turn test. Mr. Kosar stated that he had a lot of surgeries on his knees and ankles because his line couldn't block. I asked Mr. Kosar to take a portable breath test and Mr. Kosar stated that he was told never to take those.

Mr. Kosar was placed under arrest for OVI and transported back to Solon City Jail for processing. Mr. Kosar was read and shown the BMV Form 2255 as well as his Miranda rights. Mr. Kosar was given an opportunity to take the Breathalyzer and he refused. Mr. Kosar was charged with OVI and Speed into Bedford Municipal Court on 10-01-13 at 1330 hours and held on $500 C/S bond.
The vehicle was towed to H&H by H&H.

The Muvi body camera video from the booking room was placed into evidence.

REASON CLEARED					DATE CLEARED
	A ☐ DEATH OF OFFENDER	D ☐ VICTIM REFUSED TO COOP.	G ☐ ARREST - JUVENILE	J ☐ CLOSED	
	B ☐ PROSECUTION DECLINED	E ☐ JUVENILE / NO CUSTODY	H ☐ WARRANT ISSUED	K ☐ UNFOUNDED	
	C ☐ EXTRADITION DENIED	F ☒ ARREST - ADULT	I ☐ INVEST. PENDING	U ☐ UNKNOWN	9/29/2013

REPORTING OFFICER	BADGE NO.	DATE
MCELROY, SCOTT	92	9/29/2013
APPROVING OFFICER	BADGE NO.	DATE

OPERATING A VEHICLE UNDER THE INFLUENCE 4511.19 – 6 Points									
No. of Offense	**ALS Susp BAC**	**ALS Hard Time BAC**	**ALS Suspension REFUSAL**	**ALS Hard Time REFUSAL**	**Incarceration**	**Fine**	**Conviction Suspension**	**Immobilization/ Forfeiture**	**Restrictions for Privileges**
1st in 6 years	90 Days	15 Days ‡	1 Year	30 Days ‡	3 days jail or DIP with CCS Up to six months	$375 - $1,075	180 Days – 3 years **Class 5**	NO	Both Optional
1st in 6 years and either (a) high-end or (b) with any prior in 20 years and REFUSAL	90 Days	15 Days ‡	1 Year	30 Days ‡	3 days jail and DIP, or 6 days jail up to six months	$375 - $1,075	180 Days – 3 years **Class 5**	NO	Plates Mandatory for high-end Interlock Optional
2nd in 6 years *	1 Year	45 Days ‡	2 years	90 Days ‡	10 days jail or 5 days jail and 18 days EMH up to six months	$525 - $1,625	1year – 5 years **Class 4**	90 days immobilization if registered to △	Plates and Interlock Mandatory optional if drugs
2nd in 6 years and either (a) high-end or (b) with any prior in 20 years and REFUSAL *	1 Year	45 Days ‡	2 years	90 Days ‡	20 days jail or 10 days jail and 36 days EMH up to six months	$525 - $1,625	1year – 5 years **Class 4**	90 days immobilization if registered to △	Plates and Interlock Mandatory optional if drugs
3rd in 6 years **	2 Years	180 Days Interlock Required	3 Years	1 Year ‡	30 days jail or 15 days jail and 55 days EMH up to one year	$850 – $2,750	2 years – 10 years **Class 3**	forfeiture if registered to △ or fine = value of vehicle transferred	Plates and Interlock Mandatory optional if drugs
3rd in 6 years and either (a) high-end or (b) with any prior in 20 years and REFUSAL **	2 Years	180 Days Interlock Required	3 Years	1 Year ‡	60 days jail or 30 days jail and 110 days EMH up to one year	$850 – $2,750	2 years – 10 years **Class 3**	forfeiture if registered to △ or fine = value of vehicle transferred	Plates and Interlock Mandatory Optional if drugs

* 2nd Offense requires Alcohol/drug Assessment and compliance with recommendations
** 3rd Offense Alcohol/drug addiction program is Mandatory
‡ Ignition Interlock Device and Restricted Plates are Optional for privileges after hard time is served.

PHYSICAL CONTROL WHILE UNDER THE INFLUENCE 4511.194 – 0 POINTS						
No. of Offense	**Incarceration**	**Fines**	**Treatment**	**Conviction Suspension**	**Immobilization Forfeiture**	**Restriced Plates for Privileges**
Any	0 – 180 Days	$0 - $1,000	Optional	Up to 1 Year **Class 7**	No	Optionals

OPERATING A VEHICLE AFTER UNDERAGE ALCOHOL CONSUMPTION 4511.19B – 4 POINTS							
No. of Offense	**Incarceration**	**Fines**	**Treatment**	**Conviction Suspension**	**Driving Privileges**	**Immobilization/ Forfeiture**	**Restricted Plates for Privileges**
1ST in 1 year	0 – 30 days	$0 - $250	Optional	3 months to 2 years **Class 6**	After 60 days	No	Optional
2nd in 1 year	0 – 60 days	$0 – 500	Optional	1 year – 5 years **Class 4**	After 60 Days	No	Optional

Refusal

9/30/2011